

DRAFTHOE 90/F 333C (9086*185)
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Date

J. Lynn Ferry

Unofficial*****
ANDREAS WINTER ET AL**SERIAL NO: 08/895,950**
FILED: JULY 17, 1997: **ART UNIT:1713**
: **EXAMINER: TESKIN****FOR: METALLOCENES CONTAINING LIGANDS OF:**
2-SUBSTITUTED IDENYL DERIVATIVES,
PROCESS FOR THEIR PREPARATION AND
THEIR USE AS CATALYSTS**REISSUE OF U.S. PATENT NO.: 5,276,208*******
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**SUPPLEMENTAL REISSUE DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that: My residence, post office address and citizenship are as stated below next to my name, I believe I am an original, first and joint inventor of the subject matter which is described and claimed in United States letters patent number 5,276,208 (" '208 patent"), granted on January 4, 1994, as amended in the above-identified reissue application, and for which invention I solicit a reissue patent. This is a supplemental declaration.

One specific error with this reissue application is that this reissue application claims

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the intermediate compounds of the '208 patent which were inadvertently not claimed (see claims 19-20). Furthermore the catalyst composition of claims 21 and 22 and the process for polymerizing an olefin of claims 23- 24 were inadvertently not claimed. Claim 1 was broadened to include the intermediate compounds with A being saturated or aromatic. These mistakes were made inadvertently, without any deceptive intention.

During the prosecution of this reissue application, the claims were amended because of prior art that I was not aware of. The Examiner rejected claims 1, 2, 4-15, 19 and 20 as anticipated by or, in the alternative, as obvious over Japanese 62-121707 ("Mitsui") alone or with reference to JACS (1967) 89 (23) pgs. 5868-5876 ("JACS"). At least one error that occurred is that the claimed invention covered a species in Mitsui. Mitsui disclosed ethylene bis (2,3-dimethyl-1-indenyl) zirconium dichloride, which is substituted in the 2-position and 3-position of both ligands by a methyl group. The reissues claims were amended so that the reissue claims no longer cover this species. Reissue claims 1 and 19 were amended to exclude methyl from the definition of R^3 (the 3-position of the ligand). However, R^3 can be C_2-C_{10} -alkyl or a C_1-C_{10} alkyl which is halogenated. The definition of R^4 still includes methyl. Again, the reissue claims in this application were amended to overcome this prior art rejection.

I have been informed that the reissue claim 1 will be amended to correct a possible 35 USC §112 rejection, more specifically that the definition of R^5 and R^6 will be amended as follows: " R^5 and R^6 are identical or different and are as defined for R^4 , with the proviso that R^5 and R^6 are not hydrogen". The term R^3 has been deleted from the definition because R^3

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and R⁴ are no longer identical (R³ excludes methyl).

Again, all of these errors arose were inadvertent and without any deceptive intent.

POWER OF ATTORNEY

I hereby appoint the following attorneys and or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Rudolf E. Hutz, Reg. No. 22,397; Harold Pezzner, Reg. No. 22,112; Richard M. Beck, Reg. No. 22,580; Paul E. Crawford, Reg. No. 24,397; Robert G. McMorrow, Jr., Reg. No. 30,962; Patricia Smink Rogowski, Reg. No. 33,791; Ashley I. Pezzner, Reg. No. 35,646; William E. McShane, Reg. No. 32,707, all of Connolly Bove Lodge Hutz LLP, P.O. Box 2207, Wilmington, Delaware 19899-2007

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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